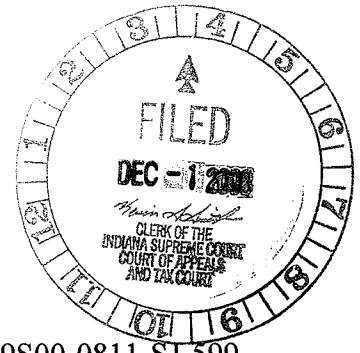


In the
Indiana Supreme Court



STATE of Indiana)	Supreme Court No. 49S00-0811-SJ-599
Plaintiff)	
)	
vs.)	Case No. 49F08-0811-CM-254608
)	
Kay KIM)	in the Marion Superior Court
Defendant)	

ORDER APPOINTING SPECIAL JUDGE

Comes now the Honorable Barbara A. Collins, Judge of the Marion Superior Court, and on her own motion recuses herself and remands this cause to the Court for appointment of a special judge. In addition, Judge Collins, joined by Special Judge Judith S. Proffitt, asks this Court to appoint a new special judge for cases involving this defendant under case numbers 49F08-0607-CM-140781, 49F08-0606-CM-1121139 and 49F08-0505-CM-83990. This Court appointed Judge Proffitt as special judge in these cases on March 2, 2007, under Supreme Court Case No. 49S00-0702-SJ-62. Judge Proffitt is retiring December 31, 2008, and has been certified as a senior judge effective January 1, 2009.

And this Court, being duly advised, now finds that a special judge should be appointed to hear case number 49F08-0811-CM-254608 in the Marion Superior Court pursuant to Ind. Criminal Rule 13(D). The Court further finds that the request to appoint a new senior judge in case numbers 49F08-0607-CM-140781, 49F08-0606-CM-1121139 and 49F08-0505-CM-83990 should be denied. Pursuant to Ind. Administrative Rule 5(B)(3)(e), a judge, such as Judge Proffitt, who seeks certification as a senior judge, "... agrees to continue to serve in all special judge cases in which the former judge was serving as a special judge at the time the former judge left office ..." As such, Judge Proffitt is required to continue service in the special judge cases assigned to her by this Court on March 2, 2007. The Court further finds that in the interest of judicial economy Judge Proffitt should be appointed as special judge to hear case number 49F08-0811-CM-254608.

IT IS, THEREFORE, ORDERED that the Honorable Judith S. Proffitt is appointed as special judge to hear case number 49F08-0811-CM-254608 in the Marion Superior Court. This order vests jurisdiction in Judge Proffitt. Pursuant to Ind. Criminal Rule 13(E), an oath of office is not required.

IT IS FURTHER ORDERED that the request to remove Judge Proffitt as special judge in case numbers 49F08-0607-CM-140781, 49F08-0606-CM-1121139 and 49F08-0505-CM-83990, and appoint a new special judge is DENIED.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Barbara A. Collins, Marion Superior Court, 200 East Washington Street, E643, Indianapolis, IN 46204; to the Hon. Judith S. Proffitt, Hamilton Circuit Court, One Hamilton Square, #337, Noblesville, 46060-2652; and to the Clerk of the Marion Superior Court.

The Clerk of the Marion Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this 1st ^{Dec.}~~Nov~~ day of November, 2008.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana